



Laura T Beyer

Laura T. Beyer
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

IN RE:

MICHAEL LOWELL SEALY,

SHELLEY NORWOOD SEALY,

DEBTORS.

CASE NO. 19-31364

CONSENT ORDER

THIS CAUSE is before the Court on the Debtors' *Motion To Extend Automatic Stay* (D.E. 11), Fay Servicing, LLC as servicer for U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust ("FS") *Objection to Debtors' Motion to Extend the Automatic Stay* (D.E. 21), FS' *Motion For In Rem Relief From Stay* (D.E. 16) and Debtors' *Objection to Motion for Relief from Stay, Request for Non Base Fee, and Request for a Hearing* (D.E. 25). Upon consideration of the various pleadings and filings in this case, and with the consent of the parties, the Court finds:

1. FS is a Secured Creditor holding a claim against the Debtors, secured by real property owned by the Debtors and known as 2901 Blythe Road, Waxhaw, North Carolina 28173 ("Subject Property") and more particularly described in a Deed of Trust recorded in Book 04888, Page 0558, Union County Registry, North Carolina.
2. On or about April 22, 2008, Michael Sealy and Shelley Sealy executed a Promissory Note ("Note") in the original principal amount of \$555,000.00.
3. Two (2) bankruptcy cases have been filed involving the Subject Property and the prior filing was dismissed for failure to comply with a Court Order (DE 87). The Debtors' filings are as follows:

A.	Case Number:	18-30928	Filed: 06/02/2017
			Dismissed: 06/24/2019
B.	Case Number:	19-31364	Filed: 10/02/2019
4. At the time of filing the present case, the Debtors were in default on their obligations to FS and the Debtors are contractually due for the October 1, 2010 mortgage payment.
5. In an effort to avoid further costs and litigation in this matter, the Parties have agreed to resolve the issues between them and now before the Court.

NOW, THEREFORE, based upon the foregoing findings of fact and conclusions of law, and with the consent of all parties, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. The stay imposed by 11 U.S.C. § 362 is immediately terminated as to FS its successors or assigns. FS is permitted to foreclose its security interest in the Subject Property identified in the Deed of Trust, said relief is immediate, and the waiting period of F.R.B.P. 4001(a)(3) does not apply.
2. No automatic stay pursuant to 11 U.S.C. § 362(a) shall be imposed in future filings to prevent FS, or the then note holder, from proceeding with foreclosure against the Subject Property in the event that the Debtors or subsequent owners file a Petition. Said relief shall be in rem and pursuant to 11 U.S.C. § 362(d)(4) and in the event that the current bankruptcy case is dismissed for any reason, the Debtors shall be barred from refiling bankruptcy for a period not less than 180 days.
3. The relief from stay granted by this order shall survive the conversion of the Debtors' bankruptcy case to another chapter under the Bankruptcy Code.

Agreed and consented to this 9th day of March, 2020.

s/ Joseph J. Vonnegut

Joseph J. Vonnegut

Attorney for Creditor

NC State Bar No: 32974

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Agreed and consented to this 9th day of March, 2020.

s/William S. Gardner

William S. Gardner

Attorney for Debtor

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No objection this 9th day of March, 2020.

s/Warren L. Tadlock

Warren L. Tadlock, Trustee

5970 Fairview Road

Suite 650

Charlotte, NC 28210

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order

United States Bankruptcy Court